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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/802,015	03/16/2004	Shahla Khorram	BP3114	2742
34399	7590	12/08/2005	EXAMINER	
GARLICK HARRISON & MARKISON LLP			TAKAOKA, DEAN O	
P.O. BOX 160727			ART UNIT	
AUSTIN, TX 78716-0727			PAPER NUMBER	
			2817	

DATE MAILED: 12/08/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/802,015

Applicant(s)

KHORRAM ET AL.

Examiner

Dean O. Takaoka

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 October 2005.
2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 1-10 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1 and 5 are rejected under 35 U.S.C. 102(b) as being anticipated by Dabrowski (U.S. Patent No. 5,644,272) for reasons of rejection stated in the Office action dated July 5, 2005.

Claim 1:

Deletes the word operably and replaces transceiver with transceiver. It is the position of the Examiner that Dabrowski continues to meets the limitations of the claim thus the rejection is maintained.

Claim 5:

Claim 5 has not been amended and the rejection is maintained.

Claims 1 – 4 and 6 – 9 are rejected under 35 U.S.C. 102(e) as being anticipated by Rofougaran et al. (US Patent No. 6,809,581) for reasons of rejection stated in the Office action dated July 5, 2005.

The applied reference has a common assignee with the instant application. Based upon the earlier effective U.S. filing date of the reference, it constitutes prior art under 35 U.S.C. 102(e). This rejection under 35 U.S.C. 102(e) might be overcome either by a showing under 37 CFR 1.132 that any invention disclosed but not claimed in the reference was derived from the inventor of this application and is thus not the invention "by another," or by an appropriate showing under 37 CFR 1.131.

Claim 1:

Deletes the word operably and replaces transceiver with transceiver. It is the position of the Examiner that Rofougaran et al. continues to meet the limitations of the claim thus the rejection is maintained.

Claims 2 – 4 and 6 – 9:

Deletes the word operably. It is the position of the Examiner that Rofougaran et al. continues to meet the limitations of the claim thus the rejection is maintained.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 6 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dabrowski in view of Dexter (U.S. Patent No. 6,654,595) for reasons of rejection stated in the Office action dated July 5, 2005.

Claim 6:

Deletes the word operably. It is the position of the Examiner that Dabrowski in view of Dexter continues to meet the limitations of the claim thus the rejection is maintained.

Claim 5:

Claim 5 has not been amended and the rejection is maintained.

Response to Arguments

Applicant's arguments filed October 13, 2005 have been fully considered but they are not persuasive.

The structure of Dabrowski is compared to the present invention where the Applicant submits "*the tuned transformer balun circuit of claim 1 does not include transmission lines like transmission lines S3 and S5 of Dabrowski to help establish the output impedance, nor does it include aa capacitors like C2 of Dabrowski to establish the impedance of the nonsymmetrical output of the balun*" (page 9, last paragraph), where it appears since the Applicant is contrasting the structure of the present invention versus Dabrowski, the Applicant believes Dabrowski does not meet the limitations of the claim/s which the Examiner disagrees.

It is the position of the Examiner that Dabrowski meets the limitations of the claims where Dabrowski explicitly shows first thru third tuning capacitors, inherently comprising first and second plates, illustrated by representative capacitor circuit symbols showing first and second plates, further connected to respective nodes and/or ground as claimed. Dabrowski further shows values of the capacitors (by tables 1 and/or 2). With respect to transmission lines S3 and S4 of Dabrowski, it is the position

of the Examiner that amendments of the claim/s do not preclude this structure thus where Dabrowski meets the limitations of the claims and where the rejection/s are maintained.

Applicant submits because of amendments to the claim/s, rejections under Rofougaran are also overcome which the Examiner disagrees. It is the position of the Examiner that deletion of the word "operably" and/or replaces transceiver with transceiver does not patentably distinguish the present invention over the prior art of Rofougaran, thus the rejection is maintained.

For reasons for rejection with respect to Dabrowski above, it is the position of the Examiner that amendments of the claim/s do not preclude this structure thus where Dabrowski in view of Dexter meets the limitations of the claims and where the rejection/s is maintained.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

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the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dean O. Takaoka whose telephone number is (571) 272-1772. The examiner can normally be reached on 8:30a - 5:00p Mon - Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Pascal can be reached on (571) 272-1769. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



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November 30, 2005